

# House Study Bill 749

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON RAECKER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to assessing court costs, providing for indigent  
2 defense, and making appropriations to the judicial branch and  
3 department of inspections and appeals.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6531YC 81  
6 jm/je/5

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1 1 Section 1. Section 602.1304, subsection 2, paragraph b,  
1 2 Code Supplement 2005, is amended to read as follows:  
1 3 b. For each fiscal year, a judicial collection estimate  
1 4 for that fiscal year shall be equally and proportionally  
1 5 divided into a quarterly amount. The judicial collection  
1 6 estimate shall be calculated by using the state revenue  
1 7 estimating conference estimate made by December 15 pursuant to  
1 8 section 8.22A, subsection 3, of the total amount of fines,  
1 9 fees, civil penalties, costs, surcharges, and other revenues  
1 10 collected by judicial officers and court employees for deposit  
1 11 into the general fund of the state. The revenue estimating  
1 12 conference estimate shall be reduced by the maximum amounts  
1 13 allocated to the Iowa prison infrastructure fund pursuant to  
1 14 section 602.8108A, the court technology and modernization fund  
1 15 pursuant to section 602.8108, subsection 7, the judicial  
1 16 branch pursuant to section 602.8108, subsection 8, the  
1 17 department of inspections and appeals pursuant to section  
1 18 602.8108, subsection 8A, and the road use tax fund pursuant to  
1 19 section 602.8108, subsection 9, and the remainder shall be the  
1 20 judicial collection estimate. In each quarter of a fiscal  
1 21 year, after revenues collected by judicial officers and court  
1 22 employees equal to that quarterly amount are deposited into  
1 23 the general fund of the state, after the required amount is  
1 24 deposited during the quarter into the Iowa prison  
1 25 infrastructure fund pursuant to section 602.8108A and into the  
1 26 court technology and modernization fund pursuant to section  
1 27 602.8108, subsection 7, ~~and~~ after the required amount is  
1 28 allocated to the judicial branch pursuant to section 602.8108,  
1 29 subsection 8, and after the required amount is allocated to  
1 30 the department of inspections and appeals pursuant to section  
1 31 602.8108, subsection 8A, the director of the department of  
1 32 administrative services shall deposit the remaining revenues  
1 33 for that quarter into the enhanced court collections fund in  
1 34 lieu of the general fund. However, after total deposits into  
1 35 the collections fund for the fiscal year are equal to the  
2 1 maximum deposit amount established for the collections fund,  
2 2 remaining revenues for that fiscal year shall be deposited  
2 3 into the general fund. If the revenue estimating conference  
2 4 agrees to a different estimate at a later meeting which  
2 5 projects a lesser amount of revenue than the initial estimate  
2 6 amount used to calculate the judicial collection estimate, the  
2 7 director of the department of administrative services shall  
2 8 recalculate the judicial collection estimate accordingly. If  
2 9 the revenue estimating conference agrees to a different  
2 10 estimate at a later meeting which projects a greater amount of  
2 11 revenue than the initial estimate amount used to calculate the  
2 12 judicial collection estimate, the director of the department  
2 13 of administrative services shall recalculate the judicial  
2 14 collection estimate accordingly but only to the extent that  
2 15 the greater amount is due to an increase in the fines, fees,  
2 16 civil penalties, costs, surcharges, or other revenues allowed  
2 17 by law to be collected by judicial officers and court

2 18 employees.

2 19 Sec. 2. Section 602.8106, subsection 1, paragraphs a, b,  
2 20 d, and e, Code Supplement 2005, are amended to read as  
2 21 follows:

2 22 a. Except as otherwise provided in paragraphs "b" and "c",  
2 23 for filing and docketing a criminal case to be paid by the  
2 24 county or city which has the duty to prosecute the criminal  
2 25 action, payable as provided in section 602.8109, ~~thirty~~ thirty fifty  
2 26 dollars. When judgment is rendered against the defendant,  
2 27 costs collected from the defendant shall be paid to the county  
2 28 or city which has the duty to prosecute the criminal action to  
2 29 the extent necessary for reimbursement for fees paid.  
2 30 However, the fees which are payable by the county to the clerk  
2 31 of the district court for services rendered in criminal  
2 32 actions prosecuted under state law and the court costs taxed  
2 33 in connection with the trial of those actions or appeals from  
2 34 the judgments in those actions are waived.

2 35 b. For filing and docketing of a complaint or information  
3 1 for a simple misdemeanor and a complaint or information for a  
3 2 nonscheduled simple misdemeanor under chapter 321, ~~thirty~~  
3 3 fifty dollars.

3 4 d. The court costs in scheduled violation cases where a  
3 5 court appearance is required, ~~thirty~~ thirty fifty dollars.

3 6 e. For court costs in scheduled violation cases where a  
3 7 court appearance is not required, ~~thirty~~ thirty fifty dollars.

3 8 Sec. 3. Section 602.8108, subsection 2, Code Supplement  
3 9 2005, is amended to read as follows:

3 10 2. Except as otherwise provided, the clerk of the district  
3 11 court shall report and submit to the state court  
3 12 administrator, not later than the fifteenth day of each month,  
3 13 the fines and fees received during the preceding calendar  
3 14 month. Except as provided in subsections 3, 4, 5, 7, 8, 8A,  
3 15 and 9, the state court administrator shall deposit the amounts  
3 16 received with the treasurer of state for deposit in the  
3 17 general fund of the state. The state court administrator  
3 18 shall report to the legislative services agency within thirty  
3 19 days of the beginning of each fiscal quarter the amount  
3 20 received during the previous quarter in the account  
3 21 established under this section.

3 22 Sec. 4. Section 602.8108, subsection 8, Code Supplement  
3 23 2005, is amended to read as follows:

3 24 8. The state court administrator shall allocate to the  
3 25 judicial branch for the fiscal year beginning July 1, ~~2005~~  
3 26 2006, and for each fiscal year thereafter, ~~seven~~ thirteen  
3 27 million dollars of the moneys received annually under  
3 28 subsection 2, to be used for salaries of supreme court  
3 29 justices, appellate court judges, district court judges,  
3 30 district associate judges, judicial magistrates and staff,  
3 31 state court administrator, clerk of the supreme court,  
3 32 district court administrators, clerks of the district court,  
3 33 juvenile court officers, board of law examiners and board of  
3 34 examiners of shorthand reporters and judicial qualifications  
3 35 commission, receipt and disbursement of child support  
4 1 payments, reimbursement of the auditor of state for expenses  
4 2 incurred in completing audits of the offices of the clerks of  
4 3 the district court during the fiscal year, and maintenance,  
4 4 equipment, and miscellaneous purposes.

4 5 Sec. 5. Section 602.8108, Code Supplement 2005, is amended  
4 6 by adding the following new subsection:

4 7 NEW SUBSECTION. 8A. The state court administrator shall  
4 8 allocate to the office of the state public defender of the  
4 9 department of inspections and appeals for the fiscal year  
4 10 beginning July 1, 2006, and for each fiscal year thereafter,  
4 11 two million eight hundred thousand dollars of the moneys  
4 12 received annually under subsection 2, to be used for fees of  
4 13 court-appointed attorneys for indigent adults and juveniles,  
4 14 in accordance with section 232.141 and chapter 815.

4 15 Sec. 6. Section 815.7, Code 2005, is amended to read as  
4 16 follows:

4 17 815.7 FEES TO ATTORNEYS.

4 18 An attorney who has not entered into a contract authorized  
4 19 under section 13B.4 and who is appointed by the court to  
4 20 represent any person ~~charged with a crime in this state,~~  
4 21 ~~seeking postconviction relief, against whom a contempt action~~  
4 22 ~~is pending, appealing a criminal conviction, appealing a~~  
4 23 ~~denial of postconviction relief, or subject to a proceeding~~  
4 24 ~~under section 811.1A or chapter 229A or 812, or to serve as~~  
4 25 ~~counsel for any person or guardian ad litem for any child in~~  
4 26 ~~juvenile court, pursuant to section 814.11 or 815.10 shall be~~  
4 27 entitled to reasonable compensation and expenses. For  
4 28 appointments made on or after July 1, 1999, through June 30,

4 29 2006, the reasonable compensation shall be calculated on the  
4 30 basis of sixty dollars per hour for class "A" felonies, fifty=  
4 31 five dollars per hour for class "B" felonies, and fifty  
4 32 dollars per hour for all other cases. For appointments made  
4 33 on or after July 1, 2006, the reasonable compensation shall be  
4 34 calculated on the basis of sixty-five dollars per hour for  
4 35 class "A" felonies, sixty dollars per hour for class "B"  
5 1 felonies, and fifty-five dollars per hour for all other cases.

5 2 The expenses shall include any sums as are necessary for  
5 3 investigations in the interest of justice, and the cost of  
5 4 obtaining the transcript of the trial record and briefs if an  
5 5 appeal is filed. The attorney need not follow the case into  
5 6 another county or into the appellate court unless so directed  
5 7 by the court. If the attorney follows the case into another  
5 8 county or into the appellate court, the attorney shall be  
5 9 entitled to compensation as provided in this section. Only  
5 10 one attorney fee shall be so awarded in any one case except  
5 11 that in class "A" felony cases, two may be authorized.

5 12 EXPLANATION

5 13 This bill relates to assessing court costs, providing for  
5 14 indigent defense, and making appropriations to the judicial  
5 15 branch and department of inspections and appeals.

5 16 The bill provides for an increase in the fee charged by the  
5 17 clerk of the district court for filing and docketing a  
5 18 criminal case from \$30 to \$50. The bill also increases the  
5 19 court costs for a scheduled violation from \$30 to \$50.

5 20 The bill directs the state court administrator to allocate  
5 21 \$13 million annually, from fines and fees collected by the  
5 22 clerk of the district court, to the judicial branch to be used  
5 23 for salaries, maintenance, equipment, and other miscellaneous  
5 24 purposes. The amount of the allocation in the bill is  
5 25 excluded from the calculation of the judicial collection  
5 26 estimate for each fiscal year. Current law directs the state  
5 27 court administrator to allocate \$7 million to the judicial  
5 28 branch.

5 29 The bill also directs the state court administrator to  
5 30 allocate \$2.8 million from the fines and fees collected by the  
5 31 clerk of the district court to the office of the state public  
5 32 defender of the department of inspections and appeals for FY  
5 33 2006=2007 and every fiscal year thereafter. The funds  
5 34 allocated to the office of the state public defender are to be  
5 35 used to compensate court-appointed attorneys for representing  
6 1 indigent adults and juveniles.

6 2 The bill increases the hourly reimbursement rates for  
6 3 attorneys representing an indigent person. The bill raises  
6 4 the hourly rate from \$60 to \$65 for class "A" felonies, \$55 to  
6 5 \$60 for class "B" felonies, and \$50 to \$55 for all other  
6 6 cases.